



Freshfields Bruckhaus Deringer US LLP

Via ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
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June 26, 2024

Re: *In re Google Digital Advertising Antitrust Litigation*, 21-md-03010 (PKC); *In re Google Digital Publisher Antitrust Litigation*, No. 21-cv-07034 (PKC)

Dear Judge Castel:

We write jointly on behalf of Defendants Google LLC, Alphabet Inc., and YouTube, LLC (together, “Google”) and Plaintiff Mikula Web Solutions, Inc. to respectfully seek permission from the Court for Google to take the deposition of Witness No. 1 on July 18, 2024, and in no event later than July 25, 2024.

Google noticed the deposition of Witness No. 1, an employee of Plaintiff Mikula Web Solutions, Inc. (“Mikula”), shortly after the Court granted Google’s application for additional depositions in Pre-Trial Order No. 14. *See* ECF No. 825 (granting Google leave to depose Witness 6, who is Witness No. 1 here).

As previewed for the Court during the June 20, 2024 discovery conference, counsel for Plaintiff Mikula represents that Witness No. 1 is the only witness available to testify as to Plaintiff Mikula’s claims in this action, but that Witness No. 1 is unable to sit for a deposition within the permissible period described in Pre-Trial Order No. 14 due to family commitments, including attending multiple serious medical appointments for a dependent relative.

As a consequence of the foregoing, the parties therefore jointly and respectfully request that the Court grant Google leave to take Witness No. 1’s deposition out of time on July 18, 2024, and in no event later than July 25, 2024. The parties additionally agree that this deposition will be treated as if it were taken during the fact discovery period.

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Sincerely,

/s/ Philip C. Korologos

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CC: All Counsel of Record (via ECF)